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JUN 09 2008

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Bruce W. Kneller :
Application No. 10/785,600 :
Filed: February 23, 2004 :
Attorney Docket No. BKNL-001-101 :

This is a decision on the petition filed May 13, 2008, to revive the above identified application under 37 CFR 1.137(b)¹.

The petition under 37 CFR 1.137(b) is **GRANTED**.

A non-Final Office Action was mailed May 3, 2007 and set a three (3) month shortened statutory period for reply. Since the maximum period of time obtainable for an extension of time had elapsed and since no proper reply had been received, the application became abandoned on August 6, 2007. Accordingly, a Notice of Abandonment was mailed December 27, 2007. A petition filed April 24, 2008 under 37 CFR 1.137(a) argued that petitioner was unavoidably delayed from filing a timely response to the Office action due to the attorney of record's failure to take action in this matter, failure to

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

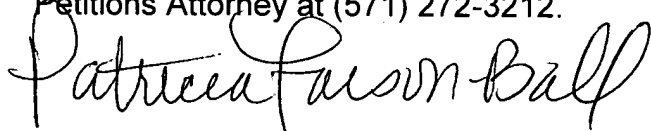
respond to their inquiries regarding the status of this patent application and finally his failure to advise the applicant that this patent application had become abandoned.

The petition was dismissed in a decision mailed May 6, 2008 because petitioner had not established unavoidable delay.

Comes now petitioner with the instant petition to revive and a response to the non-Final Office Action mailed filed May 3, 2007.

This matter is being referred to Technology Center 1617 for appropriate treatment on the amendment filed May 13, 2008.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions